

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

MELVIN L. PERKINS, #43166

PLAINTIFF

VERSUS

CIVIL ACTION NO. 5:21-cv-17-DCB-JCG

WARDEN UNKNOWN MIDDLEBROOKS, et al.

DEFENDANTS

ORDER

This matter is before the Court on Plaintiff's Motions [24] [27] entitled "Motion to Show Dismissal" and "Motion to Show What Law Library Lady Told Me" filed on August 9, 2021, and August 20, 2021, respectively. As directed, Plaintiff filed a signed copy of his Motion to Show Dismissal [24] on August 20, 2021. *See* Pl.'s Resp. [26] at 1. Even though Plaintiff's Motions [24] [27] are unclear concerning the relief he is seeking, to the extent Plaintiff is requesting a review the dismissal of this civil action, the Court will liberally construe the Motions [24] [27] as Motions filed pursuant to Rule 60(b) of the Federal Rules of Civil Procedure. *See Solsona v. Warden, F.C.I.*, 821 F.2d 1129, 1132 n. 1 (5th Cir. 1987) (finding that federal courts may construe and re-characterize a *pro se* prisoner action "according to the essence of the prisoner's claims, regardless of the label that the prisoner places on his complaint"); *see also Hernandez v. Thaler*, 630 F.3d 420, 427 n.27 (5th Cir. 2011) (noting that Court must consider the "substance of the relief, not a label" to determine the "true nature" of the pleading).

As evidenced by the Court's Memorandum Opinion and Order [22] entered June 8, 2021, the Court considered the Plaintiff's allegations and applied the relevant case law in resolving this matter. The Court's decision in the Memorandum Opinion [22] and Final Judgment [23] entered on June 8, 2021, dismissing Plaintiff's § 1983 claims was the correct legal findings. The Court

therefore determines that Plaintiff's Motions [24] [27] do not meet any of the grounds required by Federal Rule of Civil Procedure 60(b) to grant relief from the Final Judgment [23] or Memorandum Opinion and Order [22] dismissing Plaintiff's § 1983 claims with prejudice. Accordingly, it is,

ORDERED AND ADJUDGED that Plaintiff's Motions [24] [27] are construed as a Motion for Relief from a Judgment pursuant to Rule 60(b) of the Federal Rules of Civil Procedure.

IT IS FURTHER ORDERED AND ADJUDGED that Plaintiff's Motions [24] [27] are **denied**.

This the 23rd day of September, 2021.

s/David Bramlette

UNITED STATES DISTRICT JUDGE